

REMARKS

Claims 1-28 are currently pending in this application. The Non-Final Office Action mailed August 3, 2006 rejected claims 1-28. Claims 1, 14, 21, and 28 have been amended in this response. No claims are added. Claim 8 is canceled. No new matter has been added. For the reasons discussed in detail below, Applicants submit that the pending claims are patentable over the art of record and respectfully request that the Examiner pass this application to issue.

Rejection of Claims Under 35 U.S.C. § 102

The Office Action indicates that claims 1-28 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,990,660 issued to Moshir et al. After carefully considering Moshir and the discussion provided in the Office Action, the Applicants believe that the cited reference does not disclose or suggest all of the limitations of the claimed invention. Thus, the Applicants respectfully traverse this rejection.

For example, claim 1, recites a network device that includes a processor configured to perform actions, including, in part, validating an integrity of the received software change based on examining a digital signature for the software change, and if the integrity of the software change is validated, installing the software change. Moshir however, does not teach or suggest such limitations.

Instead, Moshir teaches non-invasive automatic offsite patch fingerprinting and updating of software for target computers. A discovery agent that is installed on the target computer routinely discovers the hardware and software for a machine. In addition, the discovery agents also return scan results for patch fingerprints, which indicate whether it is appropriate to install a specific patch associated with each patch fingerprint. Moshir, Col. 4, lines 4-14. A patch fingerprint defines a specific software update, and comprises one or more general inventory install dependencies that can be used to take a high-level look to see if a specific patch can be installed on a machine. It also includes a signature block that can be used to request specific information from, a target computer. Examples of patch signature block information includes, but are not limited to file, hardware,

registry and configuration information, a specific file name or directory name, all or part of a path that a file is expected to be found in, a specific version of a file, a created date of a file, a file version, and a specific registry value. Moshir, Col. 15, lines 27-32. Moshir further discloses using a task or update policy (Moshir, Col. 24, line 60-Col. 25, line 10, and patch fingerprints), selecting the software change based on the update policy, and receiving the software change through a distribution service (Moshir, Fig. 2, item 220), and installing the software change according to the update policy.

Thus, the fingerprint and signature information disclosed by Moshir simply is not the same digital signature information employed by the claimed invention. Moreover, Moshir does not appear to disclose or suggest validating integrity of the received software change based on examining a digital signature for the software change.

Dependent Claim 12 makes it clearer that the digital signature of the claimed invention is not the same as the signature and/or fingerprint of Moshir. Claim 12 recites, in part, that the software change is digitally signed by at least one a developer, releaser, tester, third-party, and a manager associated with the software change. Such digital signature is not disclosed or suggested by Moshir. Thus, for at least this reason, Moshir cannot anticipate nor render obvious at least claim 1 (or claim 12).

Independent claims 14, 21, and 28 include similar, albeit different, limitations as claim 1. That is, for example, claim 14 recites a method for managing a software change, comprising, in part, if the received software change is valid based on a digital signature, installing the received software change on the network device according to the update policy. Similarly, claim 21 recites, in part, a system that includes a client configured to perform actions that in part, include if the received change package is validated using a digital signature, installing the received change package on the client according to the update policy. Claim 28 recites an apparatus that includes, in part, means for validating the software change based on a digital signature, and a means for installing the validated software change on the apparatus. Thus, for at least the same reasons as discussed above, Moshir does not anticipate nor render obvious claims 14, 21, and 28.

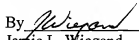
In regard to Claims 2-13, 15-20, and 22-27 which are dependent on independent Claims 1, 4, 21, and 28 respectively, they are allowable for at least the same reasons discussed above for those independent claims. Thus, Applicants respectfully submit that Claims 1-28 are in condition for allowance, and should be allowed to issue.

CONCLUSION

By the foregoing explanations, Applicant believes that this response has responded fully to all of the concerns expressed in the Office Action, and believes that it has placed each of the pending claims in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone applicant's attorney at the number listed below.

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Respectfully submitted,

By 
Jamie L. Wiegand
Registration No.: 52,361
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant